42

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (s) No. 4894 of 2006

Petitioner	:	Smt. Geetshri Mazumdar W/o Shri Pratap Kumar Mazumdar, Aged about 50 years, Lecturer, Government Basic Traninig Institute, Bilaspur, R/o L-9, Vinoba Nagar, Bilaspur (C.G.)
	Versus	
Respondents	:1.	State of Chhattisgarh - Through The Secretary, School Education Department, DKS Bhawan, Raipur (C.G.)
	2.	The Joint Secretary, School Education Department, DKS Bhawan, Raipur.
	3.	Sanchalak Rajya Shaishik Anusandhan Evam Prashikshan Parishad, Shankar Nagar, Raipur.
	4.	The Principal, Basic Training Institute, Bilaspur.
	5.	Shri Ashwini Kumar, Lecturer, Sanskrit Boys Higher Secondary School, Lormi, Distt. Bilaspur (C.G.)

SB : Hon'ble Mr. Justice Satish K. Agnihotri

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Mr. P.K. Bhaduri, Advocate for the petitioner.
Mr. Satish Gupta, Dy. Govt. Advocate for the respondents No. 1, 2 and 4/State.
Mr. Malay K. Bhaduri, Advocate for the respondent No. 5.
None appears for respondent No. 3.

ORDER

(Passed on this 13th day of April, 2007)

1. The petitioner, while working as Senior Lecturer in Basis Training Institute (B.T.I.), Bilaspur was transferred by the order dated 30.8.2006 (Annexure P/1) stating that on her own request. This mistake was realized, and immediately by the order dated 1.9.2006 (Annexure R/5-A) the order dated 30.8.2006 was amended, stating that the transfer was due to administrative exigency.

2. The matter was taken up for hearing on 7.9.2006, when it was not pointed out that the order has been amended. The only contention of the petitioner was that the impugned transfer order was passed on the

(43)

basis of her request, which she has never made. It is prime facie apparent that the subsequent amended order, which was passed immediately on the next date, was deliberately kept back and not disclosed to this Court, while securing the stay order dated 7.9.2006.

3. Learned counsel appearing for the petitioner submits that he was not aware of the amended order dated 1.9.2006, as such he could not bring it into the notice of this Court while making his submission and securing the stay order.

4. In view of concealment of the facts and otherwise also, nothing survives in this matter as the order was passed in routine, due to administrative exigency and in public policy. There is no allegation of made fide, incompetence of the officer in making the order or violation of any rules/regulations.

5. In view of the foregoing, I do not find any merit in this petition, which deserves to be and is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

B/-